

Crestar Bank
7818 Parham Rd.
Richmond, VA 23294
(804) 270-8392

CC Docket No 95-155
FCC No. 95-419

Wayne C. Rapp
Vice President

CRESTAR

November 1, 1995

Mr. Reed Hundt
Chairman
Federal Communications Commission
1919 M Street N.W.
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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Dear Mr. Hundt:

This letter is to provide comment on the Notice Of Proposed Rulemaking in the matter of Toll Free Service Access Codes, CC Docket No. 95-155 adopted October 4, 1995. I am providing comment on behalf of Crestar Financial Corporation with headquarters in Richmond, Virginia.

I offer comment on the following items:

Items no. 41, 42, & 47 Vanity and High Volume Numbers - Right of First Refusal

1. The current holders of 800 Vanity and High Volume Numbers should be permitted to exercise a Right of First Refusal to receive the equivalent 888 number and there should be no charge for this Right of First Refusal.
2. This Right of First Refusal should also apply when the 888 numbers are exhausted and the 877, 866 and so on are activated.
3. There must be a method devised to block other entities claims to the equivalent 888 number so as to prevent the possibility of fraud or customer confusion.

The rationale for this request to allow Right of First Refusal for 800 Vanity and High Volume Numbers are listed below:

1. Crestar Financial Corporation has financial interest in being able to reserve these equivalent vanity numbers because of their high visibility, consumer recognition, and the confusion that may ensue if one subscriber uses the 800 toll free number and a competitor is allowed to use the same toll free number in the 888 range. Crestar has invested substantial resources in advertising certain vanity and high volume numbers and establishing a reputation for them.

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2. Crestar has approximately one-hundred 800 numbers in use at this time. Of these one-hundred 800 numbers approximately fifteen are Vanity or high volume numbers which Crestar wants protected in the 888 and subsequent toll free ranges. The risk of premature exhaustion of 888 numbers, which could result if there were a rush for immediate replication of all 800 numbers in the 888 range, could be controlled if businesses are allowed Right of First Refusal only on particular 800 Vanity and High Volume numbers.
3. Minimizes consumer confusion and frustration and potential fraud arising from dialing the corresponding 888 number of a popular 800 vanity or high volume number on the mistaken assumption that the same business entity utilizes both numbers.
4. Minimizes brokering activities by unscrupulous parties seeking to acquire and sell corresponding 888 number to the current 800 Vanity or High Volume number owner.
5. Minimizes the problem of wrong number calls and associated costs incurred when the corresponding 888 number is assigned to a subscriber other than the 800 vanity number owner.
6. Minimizes potential litigation for incumbent 800 subscribers, whose toll free numbers serve as their trade-names and /or are associated with the goodwill of the customer's business, and are thus susceptible to trademark infringement and/or unfair competition by third parties seeking to use confusingly similar vanity number in order to leverage off the significant brand investment by the incumbent 800 subscriber.

Item no. 13 Making Toll Free Numbers Available to Subscribers Who Need and Want Them

1. A RespOrg or 800 Service Provider should have an affirmative request from a subscriber before assigning a toll free number to such a subscriber. RespOrg or 800 Service Providers should not be allowed to send toll free numbers unsolicited to a subscriber.

Items no. 18 & 19 Lag Time

1. The amount of time a toll free number can remain in "reserved" status can be changed from 60 days to 45 with little impact to subscribers.
2. The amount of time a toll free number can be "assigned" but not "working" could be changed from 12 months to 6 months with little impact to subscribers. Changes in business plans or complications with new building facilities could require 6 months.
3. The six months aging period from "disconnect" to "spare" status can be reduced to four months with little impact to subscribers.
4. The amount of time toll free numbers can be "suspended" but not "reactivated" can be reduced from 12 months to 4 months with little impact to subscribers.

Toll Free Service is important to the success of Crestar Financial Corporation. I hope our comments will provide an understanding of our need to maintain these toll free numbers regardless of the service access code.

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From: Wayne Rapp To: Ms. Kathleen Wallman

Date: 11/1/95 Time: 13:40:18

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Sincerely,

Wayne C. Rapp
Vice President

Copy To:
Ms. Kathleen Wallman
Chief, Common Carrier Bureau